

REMARKS

The present communication responds to the Office Action of April 24, 2006. In that Office Action, the Examiner rejected each of the pending claims. The rejection of the claims is respectfully traversed and reconsideration is requested at least because none of the cited references disclose a feed ration comprising 0.5 to 5 percent by weight hydrogenated poultry fat.

Rejection under 35 U.S.C. § 112

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In order to expedite prosecution of the present application, the preamble of claim 1 has been amended to remove the language “to improve belly firmness”.

Rejection under 35 U.S.C. § 103

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Livingston (US Patent No. 6,033,176) and Johnston (US Patent No. 5,498,434) in view of paragraph [002] of the specification and Cook et al. (US Patent No. 5,851,572) and further in view of Evans et al. (US Patent No. 5,427,802). This rejection is traversed at least for the following reasons.

The Examiner asserts that Livingston teaches animal feeds that contain poultry fat. Livingston teaches an animal feed comprising house litter and wastewater sludges:

The instant invention overcomes the above problems by providing a nutritional animal feed and a process for making the animal feed comprising mixing growing house litter with wastewater sludges and drying the mixture to remove water from the mixture.

In more detail, the house litter comprises a component selected from the group consisting of animal (as used hereinafter, the term “animal” includes poultry) excrement, feathers, poultry feed, bedding material, and mixtures thereof. Preferably, the litter comprises a component consisting of poultry manure, poultry feed, and mixtures thereof. The wastewater sludges utilized in the invention include a component selected from the group consisting off at [sic], blood serum, bones, skin, viscera, and mixtures thereof.

Preferably, the sludges comprise a component selected from the group consisting of poultry fat, poultry blood serum, poultry bones, poultry skin, poultry viscera, and mixtures thereof, and more preferably, the sludges comprise poultry fat.

Livingston, Col. 1, ll. 59 – Col. 2, ll. 10. Livingston does not teach a feed ration comprising *hydrogenated* poultry fat. Further, it is not clear how, even were it desirable, the poultry fat used in the animal feed of Livingston could be hydrogenated. Livingston combines house litter with wastewater sludges, the wastewater sludges comprising poultry fat. It is not obvious in any way that the poultry fat of the wastewater sludge could be hydrogenated. Livingston does not teach a feed ration comprising 0.5 to 5 percent by weight hydrogenated poultry fat. Further, with respect to claim 1, Livingston does not teach “feeding a daily feed ration to a pig ...; slaughtering the pig and harvesting a pork belly from the pig; injecting the pork belly with flavoring and cooking the pork belly ...; pressing the pork belly ...; and slicing the pork belly into bacon slices.” With respect to claim 9, Livingston does not teach that the hydrogenated poultry fat have “an iodine value between about 60 and about 30.” With respect to claim 16, Livingston does not teach that the feed ration comprise “a grain” and hydrogenated poultry fat, wherein the hydrogenated poultry fat “has an iodine value of between about 30 and about 60.”

The Examiner asserts that Johnston teaches fat containing animal feeds and teaches use of poultry fat. Johnston teaches animal feed and, more particularly, pet food. *Johnston, Col. 2, ll. 13-14.* Generally, Johnston teaches adding a combination of at least two to three particular natural antioxidants with animal-fat-containing animal feed to increase the shelf life of the animal feed. *Johnston, Col. 2, ll. 19-23.* The antioxidants are combined with, for example, refined and bleached poultry (inedible) fat or other inedible animal fats. The amount of antioxidants is based on proportions based on total weight of antioxidant and inedible fat to be protected. *Johnston, Col. 3, ll. 1-24.* Johnston does not teach a feed ration comprising *hydrogenated* poultry fat. Johnston specifically teaches that the antioxidants compositions are admixed with animal fat prior to incorporating the animal fat in animal feed (including pet food), which is otherwise prepared in established and conventional fashion. *Col. 3, ll. 53-57.* Established and conventional fashion does not include hydrogenating poultry fat. Johnston does not teach a feed ration comprising 0.5 to 5 percent by weight hydrogenated poultry fat. Further, with respect to claim 1, Johnston does not teach “feeding a daily feed ration to a pig ...;

slaughtering the pig and harvesting a pork belly from the pig; injecting the pork belly with flavoring and cooking the pork belly ...; pressing the pork belly ...; and slicing the pork belly into bacon slices.” With respect to claim 9, Johnston does not teach that the hydrogenated poultry fat have “an iodine value between about 60 and about 30.” With respect to claim 16, Johnston does not teach that the feed ration comprise “a grain” and hydrogenated poultry fat, wherein the hydrogenated poultry fat “has an iodine value of between about 30 and about 60.”

The Examiner relies on Schaub to teach hydrogenating fats. Schaub teaches fats fed to animals and, more particularly, fats from readily available sources such as lard, tallow, fish, oils, and the like. Schaub specifically teaches hydrogenating fats to provide feeding fats in large quantities:

The purpose of the present invention is to offer the possibility of feeding fat in large quantities, i.e., in excess of about 5%, in a form which does not cause disorders of the digestive process even of ruminants, and which can nevertheless be completely resorbed.

Schaub, Col. 1, ll. 49-53. Thus, Schaub does not teach a feed ration comprising poultry fat. Schaub specifically teaches feeds having fat in excess of about 5%. Thus, Schaub specifically does not teach a feed ration comprising 0.5 to 5 percent by weight hydrogenated poultry fat. Further, with respect to claim 1, Schaub does not teach “feeding a daily feed ration to a pig ...; slaughtering the pig and harvesting a pork belly from the pig; injecting the pork belly with flavoring and cooking the pork belly ...; pressing the pork belly ...; and slicing the pork belly into bacon slices.”

The Examiner relies on Cook et al. to teach increasing the firmness of pork belly by providing saturated fats in the diet of a pig. Cook et al. teach that the only method previously known to assure a firm fat was to feed animal fats or oils high in saturated fats. The method of Cook et al. specifically comprises feeding meat animals a conjugated linoleic acid, which is an unsaturated fat, which counteracts the adverse effects of the increased unsaturated fat in the diet of meat animals and results in the production of meat of improved quality which has a firmer fat. *Cook, Col. 1, ll. 45-50.* Cook et al. do not teach a feed ration comprising poultry fat. Cook et al. do not teach a feed ration comprising *hydrogenated* poultry fat. Cook et al. do not teach a feed ration comprising 0.5 to 5 percent by weight hydrogenated poultry fat.

Lastly, the Examiner relies on Evans et al. to teach improving carcass firmness and quality by feeding highly saturated fats to animals. Specifically, the Examiner asserts that Evans et al. teach feeding hydrogenated fats to finishing pigs. Evans et al. teaches a feed supplement which includes the use of highly saturated fats. Evans et al. specifically teach that the selected fatty acids should either have an iodine value or be saturated to the point that the iodine value thereof is between 5 and 35 and preferably in the range of 16-20. Evans further teaches that certain saturated or highly saturated animal fats such as tallow, lard and grease are relatively low in value, easier to saturate or hydrogenate, are more readily available, have lower costs than higher iodine vegetable oils, and are therefore more economical in achieving the desired iodine value. Thus, Evans et al. teach the use of tallow, lard or grease having iodine values between 5 and 35 in feed supplements. Each of independent claims 9 and 16 recite hydrogenated poultry fat having an iodine value of between about 30 and about 60. The Examiner argues that it would be obvious to optimize the iodine values since it is known that the iodine value is a means to measure the degree of saturation required and that the lower the iodine value, the higher the hydrogenation. Given Evans et al. specific teaching of a range of iodine values between 5 and 35 and the assertion therein that it was a surprising discovery that the addition of highly saturated fats (IV=5-35) to the diet produces significant weight gain rate advantages, it would not be obvious to modify the invention of Evans et al. to a different range of iodine values. Indeed, such modification would be against the specific teaching of Evans et al.

Evans et al. do not teach a feed ration comprising poultry fat. Evans et al. do not teach a feed ration comprising 0.5 to 5 percent by weight hydrogenated poultry fat. Further, with respect to claim 1, Evans et al. do not teach “feeding a daily feed ration to a pig ...; slaughtering the pig and harvesting a pork belly from the pig; injecting the pork belly with flavoring and cooking the pork belly ...; pressing the pork belly ...; and slicing the pork belly into bacon slices.” With respect to claim 9, Evans et al. do not teach that the hydrogenated poultry fat have “an iodine value between about 60 and about 30.” With respect to claim 16, Evans et al. does not teach that the feed ration comprise “a grain” and hydrogenated poultry fat, wherein the hydrogenated poultry fat “has an iodine value of between about 30 and about 60.”

Thus, Livingston teaches a feed comprising house litter and wastewater sludges, the wastewater sludges comprising poultry fat. The poultry fat is not hydrogenated and it is not obvious that the poultry fat even could be hydrogenated. Livingston does not teach a feed comprising 0.5 to 5 percent by weight hydrogenated poultry fat. Johnston teaches a pet food comprising inedible fats such as poultry fat and a combination of at least two to three particular natural antioxidants with animal-fat-containing animal feed to increase the shelf life of the animal feed. The inedible fats are prepared in established and conventional fashion. The fats are not hydrogenated. Johnston does not teach a feed comprising 0.5 to 5 percent by weight hydrogenated poultry fat. Schaub teaches feed comprising fats from readily available sources such as lard, tallow, fish, oils, and the like, the fats being present in high quantities such as in excess of 5%. Schaub does not teach a feed comprising 0.5 to 5 percent by weight hydrogenated poultry fat. Cook et al. teach feeding meat animals a conjugated linoleic acid, which is an unsaturated fat, which counteracts the adverse effects of the increased unsaturated fat in the diet of meat animals and results in the production of meat of improved quality which has a firmer fat. Cook et al. do not teach a feed comprising 0.5 to 5 percent by weight hydrogenated poultry fat. Evans et al. teach a feed supplement using highly saturated animal fats such as tallow, alrd and grease having iodine values between 5 and 35.. Evans does not teach a feed comprising 0.5 to 5 percent by weight hydrogenated poultry fat.

Accordingly, the applicants respectfully assert that none of independent claims 1, 9, or 16 are made obvious by any of Livingston, Johnston, Schaub, Cook et al., or Evans et al., alone or in combination. Each of the remaining claims depends either directly or indirectly from one of independent claims 1, 9, or 16 and are allowable for the reasons discussed with respect to independent claims 1, 9, and 16. Reconsideration and allowance are thus respectfully requested.

Conclusion

This application now stands in allowable form and reconsideration and allowance are respectfully requested.

Respectfully submitted,

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Date: July 26, 2006

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